

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Joseph Matthew Smith,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 1:09-1482-TLW-SVH
)	
Wendy Sharp, Nurse; James Kay, Doctor;)	
W.F. McFadden, Doctor; R.L. Neville,)	
Doctor; John Ozmint,)	
)	
Defendants.)	
_____)	

ORDER

The plaintiff, proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. §§ 1983, 1985, and 1986 on June 8, 2009. (Doc. #1). On October 21, 2009, the plaintiff filed a motion for summary judgment. (Doc. #22). Defendant John Ozmint filed a response to this motion on November 9, 2009. (Doc. #27). The remaining defendants filed response on the same date. (Doc. #28).

On October 29, 2009, defendant John Ozmint filed a motion for summary judgment. (Doc. #24). The plaintiff filed a response on December 4, 2009. (Doc. #39).

On November 30, 2009, the remaining defendants filed a motion for summary judgment. (Doc. #36). The plaintiff filed a response in opposition on December 23, 2009. (Doc. #40). The defendants filed a reply as well as an additional supplement. (Docs. #41, #42). This case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #47).

In the Report, the Magistrate Judge recommends that the District Court grant the defendants' motions for summary judgment and deny the plaintiff's motion for summary judgment. (Doc. #47). The plaintiff filed objections to the report. (Doc. #49). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #47). For the reasons articulated by the Magistrate Judge, the defendants' motions for summary judgment, (Docs. #24, #36), are hereby **GRANTED**, and the plaintiff's motion for summary judgment, (Doc. #22), is hereby **DENIED**.

IT IS SO ORDERED.

September 10, 2010
Florence, South Carolina

s/Terry L. Wooten
United States District Judge